Previous

App F IX 4

Previous References

Jud 149-33, 1+2
etc 170-18, 1 5, 6 7 8

1933 34
(Jud)

File No 149-33
Serial Nos 3, 4

Later References

P-57

GENERAL AND REVENUE SECRETARIAT.

Serial Nos 2

Part B for January 1934

SUBJECT

Points out that the DC Magistrate Chitaldrug was not in order in sending recommendation direct to Govt without the knowledge of the High Court

SC(4) 20 The Dep. Magistrate Chitaldrug
D° L 4932 of 4-1-34
State that the High Court do propose to take steps as this having sent a recommendation to Govt and that the instruction may be noted for future guidance
L 4933-40 of 4-1-34 to DC Magistrate of other Courts & Copy to the Registrar High Court

2 P
15 6 34

15 6 2218/L

General and Revenue Secretariat — File No 149 of 1933—34 — [App F III—2

Serial No 3

From
The Registrar, High Court of Mysore
No RC 461/33-34 dt 10/11 1933
With reference to G.O. dated 24 Oct 31 1933, points out that the District Magistrate was not in order in sending a recommendation direct to Govt without the knowledge of the High Court etc
Submitted for orders with reference to whether the above letter may be recorded.

From
16/11/33 AW

2 Under Section 46 (1) of the Civil Procedure Code the District Magistrate may himself direct Special Magistrate the class of cases referred to therein are to be tried. Because Govt have also reserved this power to themselves, it was not deemed to forward the District Magistrate's reference to Govt, for orders made, should be sent through the High Court

3 It seems also doubtful if the G.O. dated 20 11 1879 and the Circular order of 7 8 19 referred to in the Registrar's letter are applicable to this case

(Sen Secy)

AD 18/11

46 Cases to also
please note

29/11
AW

NOTE—Contn Sl ect

WD 70—GBPM—60 000—13 8 31

5 Both the orders of 1879 and 1919 referred to in the Registrar's letter deal with the investiture of magisterial powers the power under sec 96 of the Town M' Regn to hear appeals from notices of demand is not a magisterial power at all and if not been for Subsec (2) of sec 96 which was not in sec 86 of the old M' Regn of 1906, the High court could not exercise any revisional or appellate authority over the decision of the magistrate in this matter. This is because as held in a Bombay case (9 Bom L R 1347), "the magistrate acting under this section is merely an appellate authority having jurisdiction given by the Act to deal with the question of a civil liability" ~~[illegible]~~

20b
Law

6 Since however the special magistrates are under the administrative control of the High Court, it is no doubt desirable that recommendations which involve any addition to the ordinary work they are expected to do in the discharge of their magisterial functions are made through the High Court.

(Gen Secy)

7 A ~~[illegible]~~ will be prepared for ~~[illegible]~~ signature of the Dist Magistrate

II (Secy)

SRP 1/12/33

COUNC 16 N 3661

GENERAL SECRETARIAT 1-DEC 13 No 267

Sept 1933

2215/2 2218/2

[redacted]eral and Revenue [redacted]retariat — 2nd File No 169 of 1933-34 [App F III—2

Serial No 10

Draft letter to the Distt Magistrate Chitaldrug — is put up for approval

from 19/12/33 (Genl Secy) 21/12

1 fm 31/12

TYPING SECTION 2 JAN 1 34 ENL & REV SECTT

14 To the District Magistrate Issued Chitaldrug
No L4932 dated 4/1/34
Informing him that such recommendations should be made thro' the High Court Registrar in future

To the Distt Magistrate of [redacted] Dists
The Secretary, High Court, Bangalore.
No L4933—40 Dy 4/1/34
Forwards for information a copy of Sl 14 supra

1
B
from
5/1/33

File No of 193

General and Revenue Secretariat

Serial No

Ml 149-33-3

R O C No. 461/33-34

HIGH COURT OF MYSORE
Public Office Buildings Cubbon Park

Bangalore 10th November *1933*

1114

2218

FROM

S Venkata Ranga Iyengar Esq BA LLM
Registrar High Court of Mysore

To

GENERAL SECRETARIAT
11 NOV 1933
159

T S Abdul Wajid, Esq , B A ,
General Secretary to the
Government of Mysore,
BANGALORE

SIR

Referring to Government Order No L 2743-45/31 149-33-2 dated 24th/31st October 1933 sanctioning the proposal of the District Magistrate, Chitaldrug, in the matter of empowering the First Magistrate, Chitaldrug, and the Special First Class Magistrate, Davangere, to hear appeals against any notice of demand issued under Sub Section 3 of Section 90 of the Mysore Town Municipalities Regulation, 1933, I am directed to point out that the District Magistrate, Chitaldrug, was not in order in sending such a recommendation direct to Government without the knowledge of the High Court as such recommendations should invariably be submitted through the High Court under Government Order No 3066-71-Cts 170-18-6 dated 7-8-1919 and Government Order No 6079-Jdl 109 dated 20-11-1879

I have the honour to be,

Sir,

Your most obedient servant,

S Venkata Ranga Iyengar

REGISTRAR

TKV

Appendix F 6

SUBJECT

Section ML
File No 149-33
Serial No 4

Diary No of letter replied to

No 14932

To

The District Magistrate
Cuttack

General and Revenue Secretariat

( )

the *193*

Date of issue 6/1/34

Signed by Mr A S Ram

Sir,

With reference to G O no 2 2743-45/ml 149-33-2 dated the 24/31 oct 1933 sanctioning your proposal empowering the First Magistrate, Khurda & the Special First Class Magistrate, Jayanagar, to hear appeals against ~~the~~ any notice of demand issued under sub-section 7 Sec 90 of the Bengal

List of enclosures

Copied by PSN 3/1/34

Examined by

WD 0677—G P B—15 000—3 11-33

From Md Hs Regulation, 1933,
I am directed to state that
the High Court of Mysore have taken up
to your knowing ~~made~~ submitted a
recommendation in the matter
to Govt ~~and that~~ as the Special
Magistrates are under the
administrative control of the
High Court it is desirable
that recommendations which
involve any addition to the
ordinary work they are expected
to do in the discharge of their
magisterial functions are made
thro' the High Court who
instruction may be ~~kept~~ issued
~~them~~ for future guidance
I have etc

The power under Section 96 of the said Regulation to hear appeals from orders of demand is not a magisterial power but

Ans with Govt sanction
L 4933-40 Jra
Govt no
Copy B(1) the Dist Magistrate
of Kolar D No 15 (2) the Registrar
High Court (under a covering letter)
B o

Copy to the Protector

Ans with Govt sanction

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No

General and Revenue Secretariat

Dated Bangalore 3rd January 1934

FROM

The General *Secretary to the Government of His Highness the Maharaja of Mysore*

To

The District Magistrate, Chitaldrug District

SIR

With reference to Government Order No L 2743-45/A1 149-33-2 dated the 24th/31st October 1933 sanctioning your proposal empowering the First Magistrate, Chitaldrug and the Special First Class Magistrate, Davangere, to hear appeals against any notice of demand issued under sub-section 3 of section 93 of the Mysore Town Municipal Cities Regulation 1933, I am directed to state that the High Court of Mysore have taken objection to your having submitted a recommendation in the matter direct to Government. The power under Section 96 of the said Regulation to hear appeals from notices of demand is not a Magisterial power, but as the Special Magistrates are under the administrative control of the High Court, it is desirable that recommendations which involve any addition to the ordinary work they are expected to do in the discharge of their Magisterial functions are made through the High Court This instruction may be noted for future guidance.

I have the honour to be,
Sir
Your most obedient servant,
Sd H V Ramaswamy
General Secretary to Government

Memo No
Copy to (1) the District Magistrates of other Districts(2) The Registrar, High Court (under a covering letter)
B O
Aswathara
for General Secy to Govt

Copy to Protection Branch
Fsk 11